



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: This rulemaking will accomplish two goals. (1) Review, amend, and add definitions for solid waste contained in WAC 480-70 that include: All definitions contained in WAC 480-70-041, WAC 480-70-196, and WAC 480-70-226 pertaining to the Commission's regulation of solid waste collection companies; add other definitions, as necessary, to clarify issues facing the solid waste industry; and combine all definitions into one rule. (2) The rulemaking will discuss whether entities transporting materials under various circumstances are subject to regulation under RCW 81.77, as solid waste collection companies, or under RCW 81.80, as common carriers of property. The following rules are included in the review: WAC 480-70-011 Exempt operations; WAC 480-70-016 Determination of authority required to transport specific commodities or provide specific services. New rule(s) may be necessary to add clarity to this issue. The rulemaking is assigned Docket TG-080591.

Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040; RCW 81.04.160

Reasons why rules on this subject may be needed and what they might accomplish: To resolve disagreement among regulated solid waste collection companies, commercial recycling companies, waste/recycling generators, and the Department of Ecology as to what activities the Commission should regulate as solid waste collection under RCW 81.77 and what the Commission should regulate as common carriage of property under RCW 81.80.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: US Environmental Protection Agency (EPA) and the Washington State Department of Ecology (DOE). The Commission will provide each agency an opportunity to participate actively in the rulemaking.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The Commission will ask for initial written comments, and will conduct a workshop. The Commission will provide the opportunity for additional written comments and/or for participation in additional workshops, if needed..

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Interested persons may file comments with the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250; Telephone (360) 664-1234; Facsimile (360) 586-1150, referencing Docket TG-080591.

Interested persons may file written comments on the CR-101 by **5:00 p.m., Monday, June 9, 2008.**

For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

DATE
May 7, 2008

NAME (TYPE OR PRINT)
Carole J. Washburn

SIGNATURE

TITLE
Executive Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 07, 2008
TIME: 8:54 AM

WSR 08-10-094

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET TG-080591

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **Monday, June 9, 2008, for consideration at the July 1, 2008, stakeholder workshop.**

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal (www.utc.wa.gov/e-filing) or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (TG-080591)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/080591>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the Commission at [<records@utc.wa.gov>](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Carole J. Washburn, Executive Secretary. When contacting the Commission, please refer to Docket TG-080591 to ensure that you are placed on the appropriate service list. Questions may be addressed to Penny Ingram (360) 664-1242 or e-mail at pigram@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket TG-080591, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket TG-080591, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.utc.wa.gov/080591>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**